

1 EDWARD A. TREDER

2 State Bar No. 116307

3 MASUMI J. PATEL

4 State Bar No. 233921

5 BARRETT DAFFIN FRAPPIER

6 TREDER & WEISS, LLP

7 20955 Pathfinder Road, Suite 300

8 Diamond Bar, California 91765

9 (626) 915-5714 – Phone

10 (626) 915-0289 – Fax

11 masumijp@bdfgroup.com

12 File No.: 20100134003724

13 Attorneys for Defendant NDeX WEST, LLC

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 ALI SHAPOURI and LAURA AMANDA
17 SHAPOURI,

18 Plaintiffs,

19 vs.

20 NDeX WEST, LLC, a Delaware Limited
21 Liability Corporation; WELLS FARGO
22 BANK, N.A., dba AMERICA'S
23 SERVICING COMPANY; MORTGAGE
24 ELECTRONIC REGISTRATION
25 SYSTEMS, INC., a Delaware Corporation;
26 and DOES 1-100, INCLUSIVE,

27 Defendants.

CASE NO. 3:11-cv-01699-W-MDD

Assigned to the Hon. Thomas J. Whelan

**DEFENDANT NDEX WEST, LLC'S
RESPONSE TO PLAINTIFF'S
MOTION TO SET ASIDE
JUDGMENT**

DATE: September 10, 2012

DEPT: 7

**NO ORAL ARGUMENT PURSUANT
TO LOCAL RULE 7.1(d)(1)**

28 Defendant NDeX WEST, LLC ("NDeX") hereby responds to Plaintiffs ALI
SHAPOURI's and LAURA AMANDA SHAPOURI's ("Plaintiffs") Motion To Set
Aside Judgment ("Motion.")

1 Plaintiffs bring this motion based on their attorneys' failure to file an Opposition
 2 to Defendants WELLS FARGO BANK's and MORTGAGE ELECTRONIC
 3 REGISTRATION SYSTEMS, INC.'s (collectively as "Defendants") Motion to
 4 Dismiss. Plaintiffs allege the Motion should be granted because due to their counsel's
 5 "mistake, inadvertence, surprise, or excusable negligent" their counsel did not receive
 6 a copy of Defendants' Motion to Dismiss. As a result, they were unaware of
 7 Defendants' Motion and did not know Defendants had filed such a Motion until
 8 receiving this Court's Judgment. Importantly, Plaintiffs admit they received and
 9 opposed NDeX's Motion to Dismiss.

10 NDeX has no opposition to Plaintiffs' Motion as it pertains to the Defendants.
 11 Should the Court be inclined to grant Plaintiffs the requested relief, NDeX respectfully
 12 requests the Judgment be set aside as to Defendants only and not to NDeX.

13
 14
 15 Date: August 10, 2012

By: /s/ Masumi J. Patel
 MASUMI J. PATEL, Attorneys for
 Defendant NDeX WEST, LLC

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the city of Diamond Bar, California; my business address is 20599 Pathfinder Road; Ste 300; Diamond Bar, CA., County of Los Angeles.

On the date below, I served a copy of the following document(s):

**DEFENDANT NDEX WEST, LLC'S REQUEST TO APPEAR TELEPHONICALLY AT THE
MOTIONS TO DISMISS PLAINTIFF'S SECOND AMEND COMPLAINT**

on all interested parties in said case addressed as follows:

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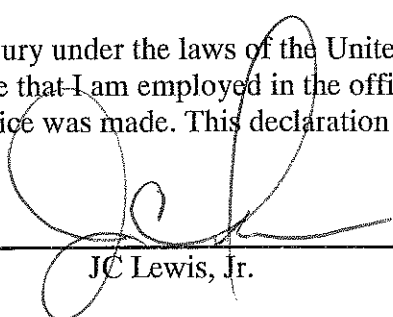
Attorney for Plaintiffs

Veronica M. Aguilar (veronica@vaguilarlaw.com)
Law Offices of Veronica M. Aguilar
402 West Broadway, Ste 1900
San Diego, CA 92101

Attorney for Defendant

Wells Fargo Bank, NA
Mortgage Electronic Registration Systems, Inc.
Mark G. Rackers (mrackers@sheppardmullin.com)
Sheppard Mullin Richter & Hampton, LLP
501 West Broadway, 19th Floor
San Diego, CA 92101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on **August 10, 2012**



JC Lewis, Jr.